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OFFICE OF PETITIONS

In re Application of
Spindler et al.
Application No. 10/536,596
Filed: May 26, 2005

ON PETITION

Attorney Docket No. HUBR-1282
Title of Invention: POLYAMIDE-BASED
WATER-SOLUBLE BIODEGRADABLE
COPOLYMERS AND THE USE THEREOF

This is a decision on the renewed petition, filed June 24, 2008, which is being treated as a petition under 37 CFR 1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application.

The petition filed under 37 CFR 1.181 is **GRANTED**.

This above-identified application became abandoned for failure to file a response to a Notice of Non-Responsive Amendment which was mailed on January 2, 2008. The Notice set an extendable one (1) month period for reply. No timely request for extension of time was obtained under the provisions of 37 CFR §1.136(a). Accordingly, this application became abandoned on February 3, 2008. A Notice of Abandonment was mailed on May 16, 2008. A petition was dismissed on June 19, 2008.

Petitioner maintains that the Notice was made in error because a complete reply to the Restriction Requirement was submitted on September 28, 2007. Petitioner states that upon receiving the Notice of Non-Responsive amendment, petitioner called the examiner to state that he believed the January 2, 2008 Notice was improper. Petitioner states that the Examiner left a phone message on January 24, 2008 indicating the response was complete and that no further action needed to be taken. Petitioner states as a result of the examiner's message, no response was filed.

A review of the record shows that petitioner failed to reply to the Notice of Non-

Responsive Amendment. Pursuant to 37 CFR 1.2, all business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt

However, further review of the record shows that the application was prematurely abandoned. The Notice of Non-Responsive amendment provided petitioner with a one month extendable reply period. As such the extendable reply period expired on July 3, 2008. In light of the submission of the reply and five month extension of time, the application was improperly held abandoned and has been returned to pending status.

This application is being referred to Technology Center AU 1796 for appropriate action in the normal course of business on the reply received with petition.

Telephone inquiries concerning this matter should be directed to the undersigned at
(571) 272-3215.



Charlema R. Grant
Petitions Attorney
Office of Petitions